

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

| | | |
|--|---|-----------------------------|
| In the Matter of |) | |
| |) | Docket No. 50-271-LA-2 |
| ENTERGY NUCLEAR VERMONT |) | |
| YANKEE, LLC AND ENTERGY |) | ASLBP No. 15-937-02-LA-BD01 |
| NUCLEAR OPERATIONS, INC. |) | |
| |) | June 12, 2015 |
| (Vermont Yankee Nuclear Power Station) |) | |

**THE STATE OF VERMONT’S NOTICE OF APPEAL OF
ATOMIC SAFETY AND LICENSING BOARD’S
May 18, 2015 MEMORANDUM AND ORDER DENYING
PETITION FOR LEAVE TO INTERVENE AND HEARING REQUEST**

Pursuant to 10 CFR § 2.311(b) and (c), the State of Vermont (“State”), represented by the Vermont Department of Public Service, hereby submits to the U.S. Nuclear Regulatory Commission (“NRC”) the following notice of appeal of the Atomic Safety and Licensing Board’s (“ASLB”) May 18, 2015 Memorandum and Order (“Order”) denying the State’s February 9, 2015 Petition to Intervene and Hearing Request (“Petition”). The State contends that the ASLB erred denying the State’s Petition. The Board acted prematurely and in an arbitrary and capricious manner when it found that the State’s Contention One was moot in advance of the NRC’s reconsideration of Entergy’s related exemption request. It also erred in finding that the State’s Contention Two did not provide sufficient information to show that a genuine dispute exists with Entergy on a material issue of fact or law. Lastly, the ASLB should have properly found that a hearing right on the related exemption request was triggered pursuant to federal law and NRC precedent.

Respectfully submitted,

/Signed (electronically) by/

Aaron Kisicki

Counsel for the State of Vermont

Vermont Department of Public Service

112 State Street – Drawer 20

Montpelier, VT 05620

(802) 828-3785

aaron.kisicki@state.vt.us

Dated at Montpelier, Vermont

This 12th day of June, 2015

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

| | | |
|--|---|-----------------------------|
| In the Matter of |) | |
| |) | Docket 50-271-LA-2 |
| ENTERGY NUCLEAR VERMONT |) | |
| YANKEE, LLC AND ENTERGY |) | ASLBP No. 15-937-02-LA-BD01 |
| NUCLEAR OPERATIONS, INC. |) | |
| |) | June 12, 2015 |
| (Vermont Yankee Nuclear Power Station) |) | |

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the State of Vermont's Notice of Appeal of Atomic Safety and Licensing Board's May 18, 2015 Memorandum and Order Denying Petition For Leave To Intervene And Hearing Request, dated June 12, 2015, have been served upon the Electronic Information Exchange, the NRC's E-filing System, in the above-captioned proceeding, this 12th day of June, 2015.

/Signed (electronically) by/
Aaron Kisicki
Counsel for the State of Vermont
Vermont Department of Public Service
112 State Street – Drawer 20
Montpelier, VT 05620
(802) 828-3785
aaron.kisicki@state.vt.us

Dated at Montpelier, Vermont
this 12th day of June, 2015